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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,083	04/25/2000	John Hsieh	k2000003	9198

7590 11/05/2002
Kenneth E leads
P O Box 2819
Sunnyvale, CA 94087-0819

EXAMINER

COLAIANNI, MICHAEL

ART UNIT	PAPER NUMBER
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1731

8

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,083

Applicant(s)

Hsieh et al.

Examiner

Michael Colaianni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 21, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above, claim(s) 48 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The rejections are set forth in the Office Action dated May 29, 2002, Paper No. 6.

Response to Arguments

1. Applicant's arguments filed August 21, 2002 have been fully considered but they are not persuasive.

Applicant's allege that the Examiner failed to describe why one of ordinary skill in the art would modify the hand cutting method disclosed by McCormick to remove the outer portion of the material. Appellant further alleges that the Examiner has merely stated that the applicant has duplicated the heating step and therefore it is obvious. The Examiner respectfully disagrees with these allegations.

The Examiner contends that motivation has been provided for duplicating the heating steps of McCormick. That motivation is found in McCormick's disclosure that it is desirable to produce an outer surface that is free of grinding and chipping marks and that using the thermal expansion cutting technique provides an end product without these defects. *See*, McCormick, page 2, col. 1, lines 32-38. The Examiner respectfully contends that one of ordinary skill in the art would readily appreciate using the thermal expansion cutting method to produce an outer surface free of the defects as taught by McCormick. Furthermore, if more than one heating step was required to effect this heat separation, one of ordinary skill in the art would have appreciated using the thermal expansion cutting method more than once to achieve the desired product

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because grinding or abrasion produces the undesired edge defects taught by McCormick, whereas thermal expansion cutting does not produce such defects.

Applicant next argues that claim 17 has been amended to teach that the heating element has a heating surface which allegedly defines over McCormick and the prior art of record. However, the Examiner contends that the flame used by McCormick has a heating surface: namely the flame surface. Thus, McCormick is still deemed to teach applicant's claimed invention.

As to claim 24, the amendment that the crack extends all the way through the thickness of the workpiece is not deemed to define over McCormick. While McCormick does teach scoring the glass sheet, he also teaches that after applying heat, the thermal expansion finishes forming the crack throughout the thickness of the glass. Thus, McCormick does teach forming the crack all the way through the glass. Moreover, applicant's claim does not require that the thermal expansion step follow the crack forming step. The claim is broad enough to include forming the crack all the way through the glass while also applying the thermal expansion separation to the glass.

As to claim 36, applicant alleges that neither McCormick nor Jackson teach a step of moving one of the product piece or the waste piece so that the moved product or waste piece is in proximity to a vacuum chuck. The Examiner respectfully disagrees. The Examiner contends that Jackson's sucking of the glass sheets toward the vacuum chuck constitutes movement of the product piece. These claims do not define over the prior art of record.

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As to claim 40, applicant alleges that McCormick does not teach moving the adjacent waste piece or product piece using the temperature element in order that the waste and product pieces are displaced relative to one another. Applicant reiterates that claim 40 defines moving the adjacent waste piece or product piece using the temperature element and does not merely define moving the temperature element. The Examiner contends that the thermal expansion separation constitutes movement between the product and waste pieces caused by the heating element. The heating element causes the thermal expansion/contraction movement of the glass which is necessary to effect the separation.

As to claim 45, applicant demanded evidence as to the well known nature of heated vacuum tables. US patent 3474944 is submitted as evidence of the well known nature of using vacuum tables in the glass cutting art. Specifically, the vacuum holder retains the glass piece in place against the burners used to cut the glass. The burners and vacuum holder together form the "heating element with channels." This patent is being submitted only as proof of the well known nature of the vacuum tables in the glass art in order to respond to applicant's request.

Accordingly, this is NOT a new basis of rejection and the Office Action may be made final.

The rejections are still deemed proper and the rejection is sustained.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

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October 31, 2002


MICHAEL COLAIANNI
PRIMARY EXAMINER